

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1480-AIR-E TCEQ ID: RN100215342 CASE NO.: 34588
RESPONDENT NAME: ELEGANT CRAFTWORKS, INC. DBA ALLAN PRODUCTS

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 825 Shepherd Drive, Garland, Dallas County

TYPE OF OPERATION: wood product manufacturing plant

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are no additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 2, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Air Enforcement Section, MC R-4, (817) 588-5886

TCEQ Regional Contact: Ms. Alyssa Taylor, DFW Regional Office, MC R-4, (817) 588-5828

Respondent: Mr. Indravadan P. Patel, President, Elegant Craftworks, Inc., 918 Sara Dunn Drive, Garland, Texas 75042

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: August 20, 2007</p> <p>Date of NOE Relating to this Case: August 29, 2007</p> <p>Background Facts: The EDPRP was filed March 5, 2008. The EDFARP was filed April 27, 2009. A default order was scheduled for the March 25, 2009, agenda. The Respondent filed an answer on March 19, 2009, and the case was remanded to the Executive Director. The Respondent signed an Agreed Order on September 4, 2009.</p> <p>Current Compliance Status: The Respondent ceased operations in October 2006, and the Title V Permit expired on April 18, 2008.</p> <p>AIR: Failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006, and April 1, 2006 through March 31, 2007 [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 122.146(1) and (2)].</p>	<p>Total Assessed: \$5,250</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$175/\$5,075</p> <p>The Respondent paid \$175 of the administrative penalty. The remaining amount of \$5,075 of the administrative penalty shall be payable in 35 monthly payments of \$145 each..</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>The ED recognizes that Respondent ceased operations in October 2006, and the Title V Permit expired on April 18, 2008</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	4-Sep-2007	Screening	4-Sep-2007	EPA Due	16-May-2008
	PCW	18-Aug-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Elegant Craftworks, Inc. dba Allan Products		
Reg. Ent. Ref. No.	RN100215342		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34588	No. of Violations	1
Docket No.	2007-1480-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** \$250
Notes The respondent received one NOV for the same/similar type violations.

Culpability **Subtotal 4** \$0
Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** \$0
 *Capped at the Total EB \$ Amount

Total EB Amounts	\$21
Approx. Cost of Compliance	\$200

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$5,250
OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes
Final Penalty Amount \$5,250

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$5,250
DEFERRAL **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not recommended due to settlement termination.

PAYABLE PENALTY \$5,250

Screening Date 4-Sep-2007

Docket No. 2007-1480-AIR-E

PCW

Respondent Elegant Craftworks, Inc. dba Allan Products

Policy Revision 2 (September 2002)

Case ID No. 34588

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100215342

Media [Statute] Air

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The respondent received one NOV for the same/similar type violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 4-Sep-2007		Docket No. 2007-1480-AIR-E		PCW																	
Respondent Elegant Craftworks, Inc. dba Allan Products		<i>Policy Revision 2 (September 2002)</i>																			
Case ID No. 34588		<i>PCW Revision May 25, 2007</i>																			
Reg. Ent. Reference No. RN100215342																					
Media [Statute] Air																					
Enf. Coordinator Cheryl Thompson																					
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>																			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 122.146(1) and (2) and Tex. Health and Safety Code § 382.085(b)</div>																			
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to submit the required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007.</div>																			
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$10,000</div>																
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>						Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
		Harm																			
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	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
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Percent					<div style="border: 1px solid black; padding: 2px; text-align: center;">0%</div>																
>> Programmatic Matrix																					
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>						Major	Moderate	Minor	Falsification	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>								
		Major	Moderate	Minor																	
	Falsification	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
	Percent					<div style="border: 1px solid black; padding: 2px; text-align: center;">25%</div>															
100% of the rule requirement was not met.																					
Adjustment					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$7,500</div>																
					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$2,500</div>																
Violation Events																					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px; text-align: center;">730</div>																
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty			\$5,000															
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>																			
Two single events are recommended.																					
Economic Benefit (EB) for this violation			Statutory Limit Test																		
Estimated EB Amount			Violation Final Penalty Total																		
<div style="border: 1px solid black; padding: 2px; text-align: center;">\$21</div>			<div style="border: 1px solid black; padding: 2px; text-align: center;">\$5,250</div>																		
			This violation Final Assessed Penalty (adjusted for limits)																		
			<div style="border: 1px solid black; padding: 2px; text-align: center;">\$5,250</div>																		

Economic Benefit Worksheet

Respondent: Elegant Craftworks, Inc. dba Allan Products

Case ID No. 34588

Reg. Ent. Reference No. RN100215342

Media: Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	1-Apr-2006	30-Apr-2008	2.1	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to submit the required annual compliance certifications. Date required is the date the first annual compliance certification was due. Final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$21

Compliance History

Customer/Respondent/Owner-Operator: CN602950149 Elegant Craftworks, Inc. Classification: Average Rating: 0.50
 Regulated Entity: RN100215342 ALLAN PRODUCTS Classification: Average Site Rating: 0.50

ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER DB1864U
 AIR OPERATING PERMITS PERMIT 2096
 AIR NEW SOURCE PERMITS PERMIT 18710
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER DB1864U
 AIR NEW SOURCE PERMITS AFS NUM 4811300766
 STORMWATER PERMIT TXR05K913
 Location: 825 SHEPHERD DR, GARLAND, TX, 75042 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: September 05, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 05, 2001 to September 05, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cheryl Thompson Phone: (817)588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Elegant Craftworks, Inc.
4. If Yes, who was/were the prior owner(s)? Allan Products, Inc.
5. When did the change(s) in ownership occur? 11-Aug-05

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 09/19/2003 (262948)
 - 2 08/20/2004 (289788)
 - 3 01/11/2005 (344448)
 - 4 10/13/2005 (433157)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/03/2003 (262948)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
 30 TAC Chapter 101, SubChapter A 101.10(f)

Description: Failure to submit emissions inventory for calendar year 2002 on or before 6/26/2003.
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ELEGANT CRAFTWORKS, INC.
DBA ALLAN PRODUCTS
RN100215342

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1480-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Elegant Craftworks, Inc. dba Allan Products ("Elegant Craftworks") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Elegant Craftworks, appear before the Commission and together stipulate that:

1. At the time of the violation, Elegant Craftworks owned a custom cabinetry wood product manufacturing plant located at 825 Shepherd Drive, Garland, Dallas County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Elegant Craftworks agree that the Commission has jurisdiction to enter this Agreed Order, and that Elegant Craftworks is subject to the Commission's jurisdiction.
4. Elegant Craftworks received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Elegant Craftworks of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Elegant Craftworks paid one hundred seventy-five dollars (\$175.00) of the administrative penalty. The remaining amount of five thousand seventy-five dollars (\$5,075.00) of the administrative penalty shall be payable in 35 monthly payments of one hundred forty-five dollars (\$145.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Elegant Craftworks fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Elegant Craftworks's failure to meet the payment schedule of this Agreed Order constitutes the failure by Elegant Craftworks to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Elegant Craftworks agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Plant ceased operations and the Title V Permit expired April 18, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Elegant Craftworks has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During a record review conducted on August 20, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Elegant Craftworks violated 30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to submit the

required annual compliance certifications for the periods of April 1, 2005 through March 31, 2006 and April 1, 2006 through March 31, 2007.

III. DENIALS

Elegant Craftworks generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Elegant Craftworks pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Elegant Craftworks's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Elegant Craftworks, Inc. dba Allan Products, Docket No. 2007-1480-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Elegant Craftworks.
3. If Elegant Craftworks fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Elegant Craftworks's failure to comply is not a violation of this Agreed Order. Elegant Craftworks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Elegant Craftworks shall notify the Executive Director within seven days after Elegant Craftworks becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Elegant Craftworks shall be made in writing to the Executive Director. Extensions are not effective until Elegant Craftworks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Elegant Craftworks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Elegant Craftworks, or three days after the date on which the Commission mails notice of this Agreed Order to Elegant Craftworks, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/1/09

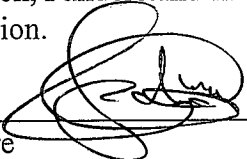
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or Elegant Craftworks's failure to timely pay the penalty amount, may result in:

- A negative impact on Elegant Craftworks's compliance history;
- Greater scrutiny of any permit applications submitted by Elegant Craftworks;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Elegant Craftworks;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Elegant Craftworks; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature

9.4.09

Date

I.P. Patel

Name (Printed or typed)
Authorized representative of
Elegant Craftworks, Inc. dba Allan Products

President

Title